

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 78558

Charles W. Jones Sr.  
Carletta Jones  
1113 Susquehanna Avenue  
Baltimore MD 21220

139 Hampshire Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on September 1, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-5-302; 302 (a); 302 (a)(3), failure to exterminate/eliminate rodent infestation on residential property zoned DR 10.5 known as 139 Hampshire Road, 21221.

On August 4, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$400.00 (four hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on July 15, 2010 for extermination/elimination of rodent infestation. This Citation was issued August 4, 2010.

B. Photographs in the file show rat holes in the rear yard of this row home. Notes in the file by Inspector Christina Frink state that she observed rat holes in June 2010, July 2010 and August 2010 and found no evidence of extermination activity.

C. This is an investment property. The property owners have not responded to the County's notices and there is no evidence that Respondents have taken appropriate action to exterminate the rats. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306.

D. This Citation will be enforced. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. If Respondents do not abate the infestation within the time provided below, and provide the County with appropriate documentation including receipts from a licensed exterminator, the County will be authorized to enter the property for abatement at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by October 4, 2010, with receipts provided to the County showing services provided by a licensed exterminator.

IT IS FURTHER ORDERED that after October 4, 2010, the County may enter the property for the purpose of exterminating the rat infestation, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8<sup>th</sup> day of September 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

MZF/jaf